THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21433 OF 2006

DATED: 18-04-2007

Between :

Musku Shankaramma … Petitioner

And

1. The Government of A.P., rep.by its Principal Secretary, Irrigation and CAD Department, Secretariat, Hyderabad., and another. .. Respondents

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WRIT PETITION No.21433 OF 2006

ORDER:

The petitioner claims to have succeeded to the lands situated in Sy.Nos.38, 249, 116, 235, 94, 158, 2, 232, 233 and 1 of Rapelli Village and Sy.Nos.27 & 26 of Kondapalli Village, Mancherial Mandal, Adilabad District which originally belonged to one Gaddam Gangaiah.

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in referring the dispute pertaining to acquisition of the above said lands.

It is pleaded that the lands in question were acquired under the Notification dated 23-10-2006 published under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') for the purpose of construction of Sripada Sagar Project. Since one Ravinder Reddy was attempting to receive the compensation in respect of the land in question suppressing the decree granted in favour of the petitioner by

the competent Civil Court, the petitioner made an application dated 6-10-2006 requesting the District Collector, Adilabad not to disburse the compensation to the third parties and to refer the dispute to the Civil Court under Section 30 of the Land Acquisition Act.

Alleging that the 2nd respondent failed to consider her request and on the other hand taking steps to disburse the compensation to the third parties, this writ petition has been filed.

In response to Notice ordered by this Court, the Special Deputy Collector (Land Acquisition) filed a counter-affidavit stating that the lands in Sy.Nos.94, 116 and 158/5 were proposed for acquisition under 3 different notifications and as per the revenue records the petitioner is not the land owner. Notwithstanding that a notice was issued to the petitioner by registered post dated 28-10-2006 and the award enquiry is still under progress. It is also stated that in case the Land Acquisition Officer finds any dispute with regard to the title the matter would be referred to the Civil Court under Section 30 of the Land Acquisition Act.

From the counter-affidavit, it is clear that the award has not yet been passed and having considered the claim made by the petitioner in the representation dated 6-10-2006 a notice was also issued to the petitioner on 28-10-2006 affording them an opportunity to participate in the award enquiry.

In the circumstances, it is always open to the petitioner to participate in the enquiry and to place before the Land Acquisition Officer the relevant material to substantiate her case to establish that she is entitled to receive compensation.

In case the respondent is satisfied that a dispute exists as to the entitlement of apportionment of the compensation or any part thereof, the respondent shall refer such dispute to the competent Civil Court in terms of Section 30 of the Land Acquisition Act.

With the above clarification, the Writ Petition is disposed of. No costs.

G. ROHINI, J.

Dt. 18-04-2007
gbs